

RESPONSE UNDER 37 C.F.R. § 1.116
EXPEDITED PROCEDURE
TC/A.U. 3654

REMARKS/ARGUMENTS

Claims 1, 2 and 5 - 27 are presented for Examiner's consideration. Pursuant to 37 C.F.R. § 1.116, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

It is requested by the Applicants to enter the above amendments to claims 1 and 5 concerning the portion of the roll's exterior surface that is exposed. It is believed that a new search is not required, since the Examiner has previously searched the issue concerning the portion of the roll's exterior surface that is exposed in relation to the previous amendment filed on September 15, 2005. It is believed that the above amendments will dispose of all issues pertaining to patentability.

Claims 1, 2, 6-9, 12-17, 19, and 22-26 stand rejected under 35 U.S.C. §102(e) as being anticipated by FitzSimons et al., U.S. patent 6,899,250. FitzSimons discloses a wet and dry towel dispenser having an elongated cylindrical container having an outer dry towel compartment that surrounds an inner wet towel compartment. The dry towels are dispensed from a slot in the sidewall of the elongated container and the wet towels are dispensed from an opening having a cap located on the top of the container. The Examiner has stated that the slot is deemed to expose at least 10 percent of the dry roll when only a few wraps remain on the roll. Claim 1 has been amended to recite that approximately 50% to approximately 100% of the roll's exterior surface is exposed. Support for the amendment appears at page 4, lines 21-27 of the specification. As such, the pending anticipation rejection has been overcome by appropriate amendment.

Claims 1, 2, 5-19, and 22-26 stand rejected under 35 U.S.C. 103(a) as being obvious over FitzSimons in view of Wakam, U.S. patent 6,405,972. The Examiner has stated that the opening 150 in Wakam's dispenser is deemed to expose at least 25% of the roll's exterior surface. Claim 1 has been amended to recite that approximately 50% to approximately 100% of the roll's exterior surface is exposed. Claim 5 has been amended to recite that approximately 75% to approximately 100% of the roll's exterior surface is exposed. Support for the amendment appears at page 4, lines 21-27 of the specification. As such, the pending obvious rejection has been overcome by appropriate amendment.

For the reasons stated above, it is respectfully submitted that all of the presently presented claims are in form for allowance. Additionally, since all pending rejections to claim 1 have been overcome, all of the withdrawn claims are also in condition for allowance as dependent on an allowable generic or linking claim. As such, claims 1 – 62 are in a condition for allowance. Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at: (920) 721-7760.

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Respectfully submitted,
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CERTIFICATE OF TRANSMISSION

I, Lanette Burton, hereby certify that on December 14, 2005, this document is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (571) 273-8300.

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